

ESTTA Tracking number: **ESTTA630194**

Filing date: **10/01/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Advisys, Inc.
Granted to Date of previous extension	10/01/2014
Address	20271 S.W. Birch Street, Suite No. 200 Newport Beach, CA 92660 UNITED STATES
Attorney information	Allen C. Ostergar III Ostergar Law Group PC 27101 Puerta Real, Suite 450 Mission Viejo, CA 92691 UNITED STATES aostergar@ostergar.com Phone:9493054590

Applicant Information

Application No	86095760	Publication date	06/03/2014
Opposition Filing Date	10/01/2014	Opposition Period Ends	10/01/2014
Applicant	ADVICENT SOLUTIONS, LP 10700 RESEARCH DRIVE MILWAUKEE, WI 53226 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: providing temporary use of on-line non-downloadable software in the field of financial services

Applicant Information

Application No	86095778	Publication date	06/03/2014
Opposition Filing Date	10/01/2014	Opposition Period Ends	
Applicant	ADVICENT SOLUTIONS, LP 10700 RESEARCH DRIVE MILWAUKEE, WI 53226 UNITED STATES		

Goods/Services Affected by Opposition

Class 042. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: providing temporary use of on-line non-

downloadable software in the field of financial services
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Applicant Information

Application No	86095782	Publication date	06/03/2014
Opposition Filing Date	10/01/2014	Opposition Period Ends	
Applicant	ADVICENT SOLUTIONS, LP 10700 RESEARCH DRIVE MILWAUKEE, WI 53226 UNITED STATES		

Goods/Services Affected by Opposition


Class 042. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: providing temporary use of on-line non-downloadable software in the field of financial services
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Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2932906	Application Date	10/31/2003
Registration Date	03/15/2005	Foreign Priority Date	NONE
Word Mark	ADVISYS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2003/08/27 First Use In Commerce: 2003/08/27 PROVIDING USE OF ON-LINE NON-DOWNLOADABLE COMPUTER SOFTWARE RELATING TO FINANCIAL SERVICES; COMPUTER CONSULTATION		

U.S. Registration No.	3620234	Application Date	11/15/2007
Registration Date	05/12/2009	Foreign Priority Date	NONE
Word Mark	ADVISYS		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 042. First use: First Use: 2008/06/00 First Use In Commerce: 2008/06/00 Web-based non-downloadable software platform for developing computer applications and web-based computer applications
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U.S. Registration No.	3673760	Application Date	11/15/2007
Registration Date	08/25/2009	Foreign Priority Date	NONE
Word Mark	POWERED BY ADVISYS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 042. First use: First Use: 2008/06/00 First Use In Commerce: 2008/06/00 Web-based non-downloadable software platform for developing computer applications and web-based computer applications; computer consultation		

Attachments	77331030#TMSN.png(bytes) 77331017#TMSN.png(bytes) 09-30-14 Notice of Opposition Advicent.pdf(1668838 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Allen C. Ostergar III/
Name	Allen C. Ostergar III
Date	10/01/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Applications for Serial Nos. 86095760, 86095778 and 86095782

Published in the Official Gazette on June 3, 2014

ADVISYS, INC.,)	
)	Opposition No.
)	
Opposer,)	
)	
vs.)	
)	
ADVICENT SOLUTIONS, LP.,)	
)	
Applicant.)	
)	

NOTICE OF OPPOSITION

In the Matter of Applications for Serial Numbers 86095760, 86095778 and 86095782, published in the Official Gazette on June 3, 2014, Advisys, Inc., having his principal address at 20271 SW Birch Street, Suite 200, Newport Beach, California (hereinafter "Opposer"), believes that it will be damaged by registration of the trademarks ADVICENT, ADVICENT SOLUTIONS and ADVICENT SOFTWARE as reflected in the above serial numbers, and hereby opposes same.

As grounds therefor, it is alleged that:

1. On October 18, 2013, Zywave L.P. , a Delaware limited partnership (hereinafter "Zywave") filed with the United States Patent and Trademark Office (hereinafter "U.S. PTO") an application to register the trademark ADVICENT, serial

number 86095760, for the following services in International Class 42: “providing temporary use of on-line non-downloadable software in the field of financial services.”

The application was based on section 1(b) of the Trademark Act.

2. On October 18, 2013, Zywave filed with the U.S. PTO an application to register the trademark ADVICENT SOLUTIONS, serial number 86095778, for the following services in International Class 42: “providing temporary use of on-line non-downloadable software in the field of financial services.” The application was based on section 1(b) of the Trademark Act.

3. On October 18, 2013, Zywave also filed with the U.S. PTO an application to register the trademark ADVICENT SOFTWARE, serial number 86095782, for the following services in International Class 42: “providing temporary use of on-line non-downloadable software in the field of financial services.” The application was based on section 1(b) of the Trademark Act.

4. In or about April 2014, applicant Zywave amended each of its applications such that the applications currently show Advicent Solutions, LP as the owner. Advicent Solutions, LP is referred to in this opposition as the “Applicant.” Applicant’s trademarks alleged above are collectively referred to in this opposition as the “ADVICENT related trademarks.”

5. Opposer has provided its services bearing the trademark ADVISYS in the financial services industry in a trading area of broad geographical scope in the United States.

6. In addition to Opposer's common law rights, Opposer owns the United States federal trademark registration of ADVISYS, Registration No. 2932906, registered March 15, 2005, in International Class 42, for the following services: “providing use of on-line non-downloadable computer software relating to financial services; computer consultation.” This ADVISYS mark has since become incontestable. Attached to this

Notice of Opposition as Exhibit A is a print-out from the "TSDR" database, showing the status and ownership of the aforementioned trademark registration.

7. Opposer owns two additional United States federal trademark Registrations for ADVISYS related marks: No. 3620234, registered May 12, 2009, for ADVISYS in International Class 42, for the following services: "Web-based non-downloadable software platform for developing computer applications and web-based computer applications;" and No. 3673760 registered August 25, 2009, for POWERED BY ADVISYS in International Class 42, for the following services: "Web-based non-downloadable software platform for developing computer applications and web-based computer applications; computer consultation.." Each of these marks has also become incontestable. Attached to this Notice of Opposition as exhibits B and C are print-outs from the "TSDR" database, showing the status and ownership of the aforementioned trademark registrations.

8. There is no issue of priority as the filing date of the 1(b) ADVICENT related trademark application are subsequent to Opposer's registration dates for each of Opposer's ADVYISIS related trademarks, and/or to the dates of first use in commerce of Opposer's aforementioned marks.

9. Opposer's ADVISYS related trademarks possess and have acquired a high degree of inherent distinctiveness and represents an extremely valuable asset and symbol of goodwill of Opposer's business by identifying services which have their source of origin exclusively with Opposer, and by distinguishing such goods from those of others.

10. Applicant's alleged ADVICENT related trademarks are so similar to Opposer's pleaded ADVISYS related trademarks in sound, appearance, meaning, and/or commercial impression as to be likely to cause confusion, mistake, or deception as to the source of origin or sponsorship of the services for which the marks are used or are intended to be used.

11. The respective services are the same or similar and travel or will travel through the same channels of trade for sale to or use by the same class of purchasers.

12. Applicant's alleged ADVICENT related trademarks are confusingly similar with Opposer's ADVISYS related trademarks and are likely to cause confusion, to cause mistake and to deceive potential purchasers as to the source of Applicant's services, with consequent injury to Opposer, the public, and the trade, and/or to cause the mistaken belief that Applicant's services originate with, are sponsored by, and/or are otherwise affiliated with Opposer.

13. Applicant's alleged ADVICENT related trademarks are calculated or likely to cause irreparable loss, injury and damage to Opposer's business and to the extensive goodwill as symbolized by its aforementioned trademarks.

14. Applicant's alleged ADVICENT related trademarks are a colorable imitation or misappropriation of Opposer's pleaded trademark, and will enable Applicant to reap where it has not sown by trading on the goodwill of Opposer's business as symbolized by its ADVISYS related trademarks.

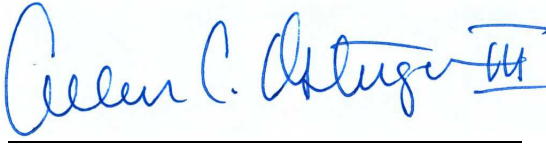
WHEREFORE, Opposer requests that this opposition against the trademark application for ADVICENT (Ser. No. 86095760), ADVICENT SOLUTIONS (Ser. No. 86095778) and ADVICENT SOFTWARE (Ser. No. 86095782) be sustained and that the Trademark Trial and Appeal Board grant any and all further relief to Opposer that the Board finds to be necessary and just in the circumstances.

Respectfully submitted,

Dated: September 30, 2014

OSTERGAR LAW GROUP P.C.

Allen C. Ostergar III

By: 

Allen C. Ostergar III

Attorneys for Opposer

Advysis, Inc.

27101 Puerta Real, Suite 450

Mission Viejo, California 92691

Telephone: (949) 305-4590

Facsimile: (949) 305-4591

EXHIBIT A

ADVISORY: If you experience any trouble when clicking on the direct links to published records in Notices of Publication received via email and/or that appear in TSDR (Trademark Status and Document Retrieval), you can access the individual record by either 1) copying the link from the email or Notice of Publication in TSDR and pasting it into the url address of a supported browser (IE 10.0 or later and the latest versions of FireFox, Chrome or Safari); or 2) visiting the TMOG main page at <https://tmog.uspto.gov/>, selecting the Official Gazette issue date from the list of Issues in the upper left corner and then entering the 8 digit serial number in the box labeled "Search By" and clicking on the magnifying glass icon to execute the search.

STATUS DOCUMENTS[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2014-09-30 23:47:19 EDT**Mark:** ADVISYS

No Image exists for this case.

US Serial Number: 78321719**Application Filing Date:** Oct. 31, 2003**US Registration Number:** 2932906**Registration Date:** Mar. 15, 2005**Register:** Principal**Mark Type:** Service Mark**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.**Status Date:** Apr. 13, 2010**Publication Date:** Dec. 21, 2004**Mark Information****Mark Literal Elements:** ADVISYS**Standard Character Claim:** No**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)**Goods and Services**

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: PROVIDING USE OF ON-LINE NON-DOWNLOADABLE COMPUTER SOFTWARE RELATING TO FINANCIAL SERVICES; COMPUTER CONSULTATION

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Aug. 27, 2003

Use in Commerce: Aug. 27, 2003

Basis Information (Case Level)

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: ADVISYS, INC.

Owner Address: 20271 S.W. BIRCH STREET
NEWPORT BEACH, CALIFORNIA 92660
UNITED STATES

Legal Entity Type: CORPORATION

**State or Country Where
Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record - None**Correspondent****Correspondent** Kenneth Kerr**Name/Address:** 20271 SW Birch St., #200
Newport Beach, CALIFORNIA 92660
UNITED STATES**Phone:** 949-752-4927, extension 232**Domestic Representative - Not Found****Prosecution History**

Date	Description	Proceeding Number
Sep. 27, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 27, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Apr. 13, 2010	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Apr. 06, 2010	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Mar. 24, 2010	TEAS SECTION 8 & 15 RECEIVED	
Feb. 18, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
Mar. 15, 2005	REGISTERED-PRINCIPAL REGISTER	
Dec. 21, 2004	PUBLISHED FOR OPPOSITION	
Dec. 01, 2004	NOTICE OF PUBLICATION	
Oct. 09, 2004	LAW OFFICE PUBLICATION REVIEW COMPLETED	69712
Aug. 19, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Aug. 17, 2004	AMENDMENT FROM APPLICANT ENTERED	69712
Aug. 02, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Aug. 17, 2004	ASSIGNED TO LIE	69712
Aug. 17, 2004	AMENDMENT FROM APPLICANT ENTERED	69712
Aug. 02, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	69712
Aug. 17, 2004	ASSIGNED TO LIE	69712

Aug. 02, 2004	PAPER RECEIVED	
Aug. 03, 2004	ASSIGNED TO EXAMINER	61638
Jul. 09, 2004	FINAL REFUSAL E-MAILED	
Jun. 28, 2004	AMENDMENT FROM APPLICANT ENTERED	76568
Jun. 28, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	76568
Jun. 28, 2004	PAPER RECEIVED	
Jun. 02, 2004	NON-FINAL ACTION E-MAILED	6326
May 27, 2004	ASSIGNED TO EXAMINER	74673
Nov. 24, 2003	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 106

Date in Location: Apr. 13, 2010

Assignment Abstract Of Title Information

Summary

Conveyance Filter

Total Assignments: 2

Registrant: Estate Planning Publications, Inc.

Assignment 1 of 2

Conveyance: CHANGE OF NAME

Reel/Frame: [3243/0259](#)

Pages: 5

Date Recorded: Feb. 08, 2006

Supporting Documents: [assignment-tm-3243-0259.pdf](#)

Assignor

Name: [ESTATE PLANNING PUBLICATIONS, INC.](#)

Execution Date: Jan. 10, 2006

Legal Entity Type: CORPORATION

State or Country Where
Organized: CALIFORNIA

Assignee

Name: [KETTLEY PUBLISHING COMPANY](#)

Legal Entity Type: CORPORATION

State or Country Where
Organized: CALIFORNIA

Address: 20271 S. W. BIRCH STREET
NEWPORT BEACH, CALIFORNIA 92660

Correspondent

Correspondent Name: ELENORE NIU, ESQ.

Correspondent Address: KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

Domestic Representative - Not Found**Assignment 2 of 2**

Conveyance: CHANGE OF NAME

Reel/Frame: [4146/0200](#)

Pages: 4

Date Recorded: Feb. 08, 2010

Supporting Documents: [assignment-tm-4146-0200.pdf](#)

Assignor

Name: [KETTLEY PUBLISHING COMPANY](#)

Execution Date: Nov. 30, 2007

Legal Entity Type: CORPORATION

State or Country Where
Organized: CALIFORNIA

Assignee

Name: [ADVISYS, INC.](#)

Legal Entity Type: CORPORATION**State or Country Where** CALIFORNIA**Organized:****Address:** 20271 S.W. BIRCH STREET
NEWPORT BEACH, CALIFORNIA 92660**Correspondent****Correspondent Name:** KNOBBE, MARTENS, OLSON & BEAR LLP**Correspondent Address:** 2040 MAIN STREET
14TH FLOOR
IRVINE, CA 92614**Domestic Representative - Not Found****Proceedings - None recorded**

EXHIBIT B

ADVISORY: If you experience any trouble when clicking on the direct links to published records in Notices of Publication received via email and/or that appear in TSDR (Trademark Status and Document Retrieval), you can access the individual record by either 1) copying the link from the email or Notice of Publication in TSDR and pasting it into the url address of a supported browser (IE 10.0 or later and the latest versions of FireFox, Chrome or Safari); or 2) visiting the TMOG main page at <https://tmog.uspto.gov/>, selecting the Official Gazette issue date from the list of Issues in the upper left corner and then entering the 8 digit serial number in the box labeled "Search By" and clicking on the magnifying glass icon to execute the search.

STATUS **DOCUMENTS**[Back to Search](#)

Print

Generated on: This page was generated by TSDR on 2014-09-30 23:51:09 EDT**Mark:** ADVISYS

ADVISYS

US Serial Number: 77331030**Application Filing Date:** Nov. 15, 2007**US Registration Number:** 3620234**Registration Date:** May 12, 2009**Register:** Principal**Mark Type:** Service Mark**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.**Status Date:** Sep. 12, 2014**Publication Date:** Jun. 17, 2008**Notice of Allowance Date:** Sep. 09, 2008

Mark Information

Mark Literal Elements: ADVISYS**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US [2932906](#)

Registrations:**Goods and Services****Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *.* identify additional (new) wording in the goods/services.

For: Web-based non-downloadable software platform for developing computer applications and web-based computer applications

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 2008

Use in Commerce: Jun. 2008

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: ADVISYS, INC.

Owner Address: 20271 S.W. BIRCH STREET
NEWPORT BEACH, CALIFORNIA 92660
UNITED STATES

Legal Entity Type: CORPORATION

State or Country Where: CALIFORNIA

Organized:

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allen C. Ostergar III

Docket Number: Advisys Word

Attorney Primary Email aostergar@ostergar.com

Attorney Email Authorized: Yes

Address:

Correspondent

Correspondent Allen C. Ostergar III

Name/Address: Ostergar Law Group PC
 27101 Puerta Real, Suite 450
 Mission Viejo, CALIFORNIA 92691
 UNITED STATES

Phone: 9493054590

Correspondent e-mail: aostergar@ostergar.com

Correspondent e-mail Yes
 Authorized:

Domestic Representative - Not Found

Prosecution History

Date	Description	Proceeding Number
Sep. 12, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 12, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
Sep. 12, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69934
Aug. 28, 2014	TEAS SECTION 8 & 15 RECEIVED	
Sep. 27, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 27, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Feb. 18, 2010	AUTOMATIC UPDATE OF ASSIGNMENT OF OWNERSHIP	
May 12, 2009	REGISTERED-PRINCIPAL REGISTER	
Apr. 07, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171

Apr. 06, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Apr. 02, 2009	STATEMENT OF USE PROCESSING COMPLETE	65362
Mar. 09, 2009	USE AMENDMENT FILED	65362
Mar. 31, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	65362
Mar. 09, 2009	TEAS STATEMENT OF USE RECEIVED	
Nov. 26, 2008	ASSIGNED TO EXAMINER	81847
Sep. 09, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 17, 2008	PUBLISHED FOR OPPOSITION	
May 28, 2008	NOTICE OF PUBLICATION	
May 15, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
May 15, 2008	ASSIGNED TO LIE	68171
May 15, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 06, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 05, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 05, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 13, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 13, 2008	NON-FINAL ACTION E-MAILED	6325
Mar. 13, 2008	NON-FINAL ACTION WRITTEN	83177
Feb. 28, 2008	ASSIGNED TO EXAMINER	83177
Nov. 21, 2007	NOTICE OF PSEUDO MARK MAILED	
Nov. 20, 2007	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None
File Location**Current Location:** TMEG LAW OFFICE 105**Date in Location:** Sep. 12, 2014**Assignment Abstract Of Title Information****Summary**[Conveyance Filter](#)**Total Assignments:** 1**Registrant:** Kettley Publishing Company**Assignment 1 of 1****Conveyance:** CHANGE OF NAME**Reel/Frame:** [4146/0200](#)**Pages:** 4**Date Recorded:** Feb. 08, 2010**Supporting Documents:** [assignment-tm-4146-0200.pdf](#)**Assignor****Name:** [KETTLEY PUBLISHING COMPANY](#)**Execution Date:** Nov. 30, 2007**Legal Entity Type:** CORPORATION**State or Country Where** CALIFORNIA**Organized:****Assignee****Name:** [ADVISYS, INC.](#)**Legal Entity Type:** CORPORATION**State or Country Where** CALIFORNIA**Organized:****Address:** 20271 S.W. BIRCH STREET
NEWPORT BEACH, CALIFORNIA 92660**Correspondent****Correspondent Name:** KNOBBE, MARTENS, OLSON & BEAR LLP**Correspondent Address:** 2040 MAIN STREET
14TH FLOOR
IRVINE, CA 92614**Domestic Representative - Not Found**

Proceedings - None recorded

EXHIBIT C

ADVISORY: If you experience any trouble when clicking on the direct links to published records in Notices of Publication received via email and/or that appear in TSDR (Trademark Status and Document Retrieval), you can access the individual record by either 1) copying the link from the email or Notice of Publication in TSDR and pasting it into the url address of a supported browser (IE 10.0 or later and the latest versions of FireFox, Chrome or Safari); or 2) visiting the TMOG main page at <https://tmog.uspto.gov/>, selecting the Official Gazette issue date from the list of Issues in the upper left corner and then entering the 8 digit serial number in the box labeled "Search By" and clicking on the magnifying glass icon to execute the search.

[SEARCH](#)[MULTI-SEARCH](#)

US Registration No ▼

3673760

[STATUS](#)[DOCUMENTS](#)[Back to Search](#)[Print](#)

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Mark: POWERED BY ADVISYS

POWERED BY ADVISYS

US Serial Number: 77331017

Application Filing Date: Nov. 15, 2007

US Registration Number: 3673760

Registration Date: Aug. 25, 2009

Register: Principal

Mark Type: Service Mark

Status: A Sections 8 and 15 combined declaration has been accepted and acknowledged.

Status Date: Sep. 12, 2014

Publication Date: Jun. 17, 2008

Notice of Allowance Date: Sep. 09, 2008

Mark Information

Mark Literal Elements: POWERED BY ADVISYS

Standard Character Claim: Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

Mark Drawing Type: 4 - STANDARD CHARACTER MARK

Related Properties Information

Claimed Ownership of US [2932906](#)

Registrations:

Goods and Services

Note:

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks *..* identify additional (new) wording in the goods/services.

For: Web-based non-downloadable software platform for developing computer applications and web-based computer applications; computer consultation

International Class(es): 042 - Primary Class

U.S Class(es): 100, 101

Class Status: ACTIVE

Basis: 1(a)

First Use: Jun. 2008

Use in Commerce: Jun. 2008

Basis Information (Case Level)

Filed Use: No

Currently Use: Yes

Amended Use: No

Filed ITU: Yes

Currently ITU: No

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

Current Owner(s) Information

Owner Name: ADVISYS, INC.**Owner Address:** 20271 S.W. BIRCH STREET
NEWPORT BEACH, CALIFORNIA 92660
UNITED STATES**Legal Entity Type:** CORPORATION**State or Country Where
Organized:** CALIFORNIA

Attorney/Correspondence Information

Attorney of Record

Attorney Name: Allen C. Ostergar III**Attorney Primary Email
Address:** aostergar@ostergar.com**Attorney Email Authorized:** Yes

Correspondent

Correspondent Allen C. Ostergar III**Name/Address:** Ostergar Law Group PC
27101 Puerta Real, Suite 450
Mission Viejo, CALIFORNIA 92691
UNITED STATES**Phone:** 9493054590**Correspondent e-mail:** aostergar@ostergar.com**Correspondent e-mail
Authorized:** Yes**Domestic Representative - Not Found**

Prosecution History

Date	Description	Proceeding Number
Sep. 12, 2014	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	
Sep. 12, 2014	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	69934
Sep. 12, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	69934
Aug. 28, 2014	TEAS SECTION 8 & 15 RECEIVED	

Sep. 27, 2013	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 27, 2013	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
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Jul. 20, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
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Jul. 08, 2009	STATEMENT OF USE PROCESSING COMPLETE	69302
Jun. 12, 2009	USE AMENDMENT FILED	69302
Jul. 08, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	69302
Jun. 12, 2009	TEAS STATEMENT OF USE RECEIVED	
Mar. 09, 2009	EXTENSION 1 GRANTED	98765
Mar. 09, 2009	EXTENSION 1 FILED	98765
Mar. 09, 2009	TEAS EXTENSION RECEIVED	
Nov. 26, 2008	ASSIGNED TO EXAMINER	72146
Sep. 09, 2008	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 17, 2008	PUBLISHED FOR OPPOSITION	
May 28, 2008	NOTICE OF PUBLICATION	
May 15, 2008	LAW OFFICE PUBLICATION REVIEW COMPLETED	68171
May 15, 2008	ASSIGNED TO LIE	68171
May 15, 2008	APPROVED FOR PUB - PRINCIPAL REGISTER	
May 06, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	88889
May 05, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	88889
May 05, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 13, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Mar. 13, 2008	NON-FINAL ACTION E-MAILED	6325
Mar. 13, 2008	NON-FINAL ACTION WRITTEN	83177
Feb. 28, 2008	ASSIGNED TO EXAMINER	83177
Nov. 20, 2007	NEW APPLICATION ENTERED IN TRAM	

Maintenance Filings or Post Registration Information

Affidavit of Continued Use: Section 8 - Accepted

Affidavit of Incontestability: Section 15 - Accepted

TM Staff and Location Information

TM Staff Information - None

File Location

Current Location: TMEG LAW OFFICE 105

Date in Location: Sep. 12, 2014

Assignment Abstract Of Title Information

Summary

[Conveyance Filter](#)

Total Assignments: 1

Registrant: Kettley Publishing Company

Assignment 1 of 1

Conveyance: CHANGE OF NAME

Reel/Frame: [4146/0200](#)

Pages: 4

Date Recorded: Feb. 08, 2010

Supporting Documents: [assignment-tm-4146-0200.pdf](#)

Assignor

Name: [KETTLEY PUBLISHING COMPANY](#)

Execution Date: Nov. 30, 2007

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Assignee

Name: [ADVISYS, INC.](#)

Legal Entity Type: CORPORATION

State or Country Where Organized: CALIFORNIA

Address: 20271 S.W. BIRCH STREET
NEWPORT BEACH, CALIFORNIA 92660

Correspondent

Correspondent Name: KNOBBE, MARTENS, OLSON & BEAR LLP

Correspondent Address: 2040 MAIN STREET
14TH FLOOR
IRVINE, CA 92614

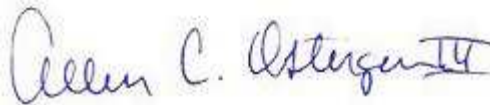
Domestic Representative - Not Found

Proceedings - None recorded

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing "Notice of Opposition" was served by United States Mail, with sufficient postage prepaid, on this 30th day of September, 2013, upon the Applicant:

LORI S. MEDDINGS
MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVE STE 3300
MILWAUKEE, WISCONSIN 53202-4108

A handwritten signature in blue ink that reads "Allen C. Ostergar III". The signature is written in a cursive style with a horizontal line at the end.

By: _____
Allen C. Ostergar III